

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

|                           |   |   |
|---------------------------|---|---|
| UNITED STATES OF AMERICA, | ) | Case No.: 5:07 CR 409-05                  |
|                           | ) |   |
| Plaintiff                 | ) | JUDGE SOLOMON OLIVER, JR.                 |
|                           | ) |   |
| v.                        | ) |   |
|                           | ) |   |
| OSCAR D. PALACIOS,        | ) | <b><u>ORDER ACCEPTING PLEA</u></b>        |
|                           | ) | <b><u>AGREEMENT, JUDGMENT AND</u></b>     |
|                           | ) | <b><u>REFERRAL TO U. S. PROBATION</u></b> |
| Defendant                 | ) | <b><u>OFFICE</u></b>                      |

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Kenneth S. McHargh, regarding the change of plea hearing of , which was referred to the Magistrate Judge with the consent of the parties.

On November 15, 2007 the government filed a forty-one count indictment, charging Defendant, Oscar D. Palacios, with Conspiracy to Possess and Distribute at least five kilograms or more of cocaine in violation of Title 21 United States Code, Section 846 Conspiracy to Possess and Distribute at Least Five Kilograms or More of Cocaine. On December 5, 2007, Defendant Palacios was arraigned and entered a plea of not guilty before Magistrate Judge James S. Gallas. On August 13, 2008, Magistrate Judge Kenneth S. McHargh received Defendant Palacios' plea of guilty to count 41 of the Superseding Indictment and issued a Report and

Recommendation (“R&R”) concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge’s R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge’s R&R is adopted. Defendant Palacios is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Palacios is adjudged guilty of Count 41 of the Superseding Indictment, in violation of Title 21 United States Code, Section 846. Sentencing will be on November 13, at 3:00 p.m. in Courtroom 17-A, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.  
UNITED STATES DISTRICT JUDGE